

### **REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 3-26 are now pending in the application. Claims 1 and 2 have been canceled without prejudice. Claims 3-5, 7, 8, 11, 12, and 21 have been amended and claims 22-26 have been added.

The Examiner rejected claim 14 under 35 U.S.C. 102(b) as anticipated by Abels. The Applicants respectfully request reconsideration of this rejection for the reasons set out below.

Claim 14 recites that the side shift frame includes a planar front portion located between the side shift operator means and the fork to protect the side shift operator means. Specifically, the planar front portion extends from the upper cross member of the side shift frame.

As can be seen most clearly in Fig. 12, Abels does not disclose any part of the side shift frame (105) as being positioned between the side shift operator means (122) and the forks. The front face (104a) of the support member which houses the side shift operator means and the side shift operator means itself are exposed to the load carried by the forks. Accordingly, the invention claimed in claim 14 is not anticipated by Abels.

The Examiner rejected claim 21 under 35 U.S.C. 103(a) as obvious over Bostad in view of Bolzoni. The Applicants respectfully request reconsideration of this rejection for the reasons set out below.

The Examiner acknowledged that the range of motion of the fork shoes in a fork positioner disclosed by the combination of Bostad and Bolzoni would be limited to, at most, the distance between the intermediate supports 31 (see Fig. 2 of Bostad).

Accordingly, claim 21 has been amended above to recite that the fork positioner is capable of moving at least one of the fork shoes between the center of the side shift frame and one of the side members (which connect the ends of the upper and lower members) of the side shift frame. As acknowledged by the Examiner, the fork shoes of the Bostad/Bolzoni combination are not able to move anywhere near the end of the side shift frame due to the presence of intermediate supports 31. Thus, claim 21 as amended is patentable over the combination of Bostad and Bolzoni.

New claim 23 is an independent claim which is also directed at a fork movement assembly which permits fork positioning over a greater range of motion than is possible using the combination of Bostad and Bolzoni. Claim 23 recites that the fork positioner is capable of moving at least one fork shoe between the center of the side shift frame and one of its sides, where the side is defined by the end of the upper cross member of the side shift frame.

Claims 3-5, 7, 8, 11, and 12 were amended to change their dependencies from claim 1 to claim 21, and to make them consistent with antecedents found in claim 21. Claims 22 and 24-26 have been added to better claim the present invention.

Because the dependent claims depend from allowable base claims, the Applicants respectfully submit that the remaining dependent claims in the application are also allowable.


All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Michelle N. Lester", written over a horizontal line.

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